IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1316/2006
(State of Rajasthan Vs. Kana Ram)

Date of Order : 11/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Vineet Jain for the non-petitioner.

BY THE COURT:-

Heard learned public prosecutor and counsel appearing for the non-petitioner. Perused the orders impugned.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 26.4.2004 passed by Sessions Judge, Pali (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 21.10.2003 passed by Judicial Magistrate No.1, Pali (for short 'the trial court' hereinafter) was dismissed.

It appears that a complaint was filed by the State before the trial court for the offences under Sections 130 (3)/ 177, 146/196, 56/192 and 190 (2), 5/180, 4 (1)(11) of the Motor Vehicle Act, 1988. On trial of the case and on appreciation of the evidence produced by the parties, the trial court came to

the conclusion that the prosecution has failed to prove the offence against the non-petitioner beyond reasonable doubt and accordingly the non-petitioner was acquitted. The trial court also directed that any amount deposited by the non-petitioner under protest during pendency of the case be refunded to him. That order came to be challenged by the State before the revisional court and the revisional court did not find any error.

On close scrutiny of the order passed by the trial court as also the revisional court, in my view, both the courts below have concurrently found that the prosecution has failed to prove the case beyond reasonable doubt against the non-petitioner and rightly so. No case for interference in the inherent jurisdiction is made out.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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